IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13598 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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KARADIA BHIMABHAI MASRIBHAI PARMAR

Versus

MANUBEN ODHADBHAI RATHOD

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Appearance:

1. Special Civil Application No. 13598 of 2004

MR AJ SHASTRI for Petitioner No. 1

MR PN BAVISHI for Respondent No. 1,8

DS AFF.NOT FILED (N) for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2-7

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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 02/03/2005

ORAL JUDGEMENT

1. The petitioner herein has challenged the order dated 04/09/2004 passed by the learned Joint District Judge, Veraval in Civil Misc. Appeal No.38 of 2004, whereby the order passed by the trial Court below exh.5 in Regular Civil Suit No.38 of 2004 was set aside.

2. While quashing the impugned order dated 03/07/2004 passed by the trial Court, the Appellate Court had directed to issue injunction against the defendant, as prayed for in application exh.5 para 10-A of the Regular Civil Suit No.38 of 2004, till the final disposal of the suit.

3. By order dated 15/10/2004, this Court had directed the parties to maintain status quo which was extended from time to time. Since status quo is operating, it would be appropriate to direct the parties to maintain the said position, till the suit pending before the said Court is disposed of, while expediting its hearing.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Regular Civil Suit No.38 of 2004 and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of two years from the date of receipt of writ of this order. Parties are directed to maintain status quo granted by this Court, till the said suit is finally disposed of.

5. With the above observations and directions, the petition stands disposed of. Office to send writ of this order forthwith.

[K. S. JHAVERI, J.]
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